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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/619,264 | 07/14/2003 | Robert J. Woodruff | ITL.1002 (P16574) | 7053 |
| 21906 | 7590 | 02/22/2007 | EXAMINER | |
| TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631 | | | BELLO, AGUSTIN | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2613 | | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 02/22/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/619,264 | WOODRUFF ET AL. | |
| | Examiner | Art Unit | |
| | Agustin Bello | 2613 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 November 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kartalopoulos (U.S. Patent No. 6,731,875).

Regarding claim 1 and 20, Kartalopoulos teaches providing a signal (i.e. the multiplexed $\lambda 1 - \lambda N$ in the Figure 4) to a communication link (reference numeral 350 in Figure 4) to communicate a data value across the communication link; and selectively introducing at least three different wavelengths to the signal (i.e. $\lambda 1 - \lambda N$ in the Figure 4), said at least three different wavelengths identifying the data value (column 4 line 61 – column 5 line 5).

Regarding claim 2, 21, and 26, Kartalopoulos teaches that the presence of said at least three wavelengths in the signal identifies the data value (i.e. each of the wavelengths identifies part of a data value and all wavelengths taken together identify the data value).

Regarding claims 3, 9, 16, 22, and 27, Kartalopoulos teaches introducing/detecting a wavelength identifying a byte value (column 3 line 54 – column 4 line 25).

Regarding claims 4, 10, 17, 23, and 28, Kartalopoulos teaches introducing/detecting a wavelength identifying a bit state (column 3 line 54 – column 4 line 25).

Regarding claims 5 and 11, Kartalopoulos teaches introducing/detecting wavelengths identifying different bit states of a digital value (column 3 line 54 – column 4 line 25).

Regarding claims 6 and 12, Kartalopoulos teaches that the digital value comprises a nibble (i.e. a part of a byte).

Regarding claims 7, 13, 14, 18, 24, and 29, Kartalopoulos teaches providing/receiving the signal to an optical fiber (reference numeral 350 in Figure 4).

Regarding claims 8 and 15, Kartalopoulos teaches receiving a signal (i.e. the multiplexed $\lambda_1 - \lambda_N$ in the Figure 7) from a communication link (reference numeral 350 in Figure 7), the communication link to communicate a data value; and detecting the presence of at least three wavelengths (i.e. $\lambda_1 - \lambda_N$ in the Figure 7) in the signal to identify the data value (column 7 lines 40-63).

Regarding claim 19, Kartalopoulos teaches multiple detectors, each detector to detect the presence of a different wavelength in the signal (reference numeral 425 in Figure 7).

Claims 25 and 30 recites a combination of rejected claims 1, 8, 15, and 20. Therefore, claims 25 and 30 are rejected on the same grounds as claims 1, 8, 15, and 20.

Response to Arguments

3. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agustin Bello whose telephone number is (571) 272-3026. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Agustin Bello
Primary Examiner
Art Unit 2613

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